

PATENT
ATTORNEY DOCKET NO.: 040894-7016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Katsunori ONISHI) Confirmation No. 1702
Application No.: 10/806,475) Group Art Unit: 2627
Filed: March 23, 2004) Examiner: Castro, A.
For: DISK APPARATUS) Mail Stop 313(e)

HAND CARRY

Commissioner for Patents
OFFICE OF PETITIONS, Mail Stop 313(e)
600 Dulany Street
Madison West Bldg.
Alexandria, VA 22314
Telephone: 571-272-3282

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement (IDS) is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

The Japanese language documents listed in this IDS were cited in an "Examiner's Technical Opinion" dated June 6, 2003 in a counterpart Japanese Utility Model Application that served as the priority application of the present application. A copy of the Japanese Examiner's

Technical Opinion (with translation attached) and the listed documents (with translations thereof) are attached. JP 01-287875-A cited in the Examiner's Technical Opinion was cited in the IDS of March 23, 2004, and therefore, is not listed in this IDS. However, USPN 5,063,548 (which is a US counterpart to JP 01-287875-A) is additionally listed in this IDS.

Applicant requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents is material or constitutes "Prior Art." If it should be determined that the listed documents do not constitute "Prior Art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

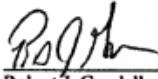
ATTORNEY DOCKET NO.: 040894-7016
Application No.: 10/806,475
Page 3

Account No. 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR
EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:



Robert J. Goodell

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Date: January 5, 2007

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INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) PTO Form 1449			Attorney Docket No. : 040894-7016		Application No.: 10/806,475		
			Applicant: Katsunori OHISHI Filing Date: March 23, 2004		Confirmation No.: 1702 Group Art Unit: 2627		
PAGE 1 of 1							
U.S. PATENT DOCUMENTS							
*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
		5,063,548	Nov. 5, 1991	Yamashita et al.			
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Sub Class	Translation YES NO
		3082214-U	Sept. 12, 2001	Japan			X
		2002-288948	Oct. 4, 2002	Japan			X
		2001-307438	Nov. 2, 2001	Japan			X
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
Examiner				Date Considered			
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							